



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

144944

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

ENFORCEMENT WARNING NOTICE

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) 1631210017 -- St. Clair County
) Sauget/Midstates T.D.F.
Empire Industries d.b.a. Midstates T.D.F.,) COMPLIANCE FILE
)
Respondent.)

WARNING: ATTENTION REQUIRED

YOU MAY BE SUBJECT TO SUBSTANTIAL CIVIL PENALTIES IF YOU FAIL TO
COMPLY WITH THE TERMS OF THIS ENFORCEMENT WARNING NOTICE AND ARE
FOUND IN VIOLATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT

FACTS

On April 27, 1993, an inspection of Midstates T.D.F. at 3103 Mississippi Avenue, Sauget, Illinois was conducted by Doug Hayward representing the Illinois Environmental Protection Agency (hereinafter "IEPA"). This inspection was conducted in accordance with Sections 4(c) and 4(d) of the Illinois Environmental Protection Act: Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1004(c) and (d). The purpose of this inspection was to determine your compliance with the Illinois Environmental Protection Act and 35 Ill. Adm. Code, Part 848 Management of Used and Waste Tires, Subtitle G: Waste Disposal Rules and Regulations of the Illinois Pollution Control Board.

The attached inspection report specifies the date and time of the inspection, along with other relevant information. At the time of the inspection, apparent violations were identified. The specific apparent violation(s) are identified in Attachment A of this Notice.

REQUIRED RESPONSE

You must submit, in writing, within fifteen days of your receipt of this letter, the reasons for the apparent violation(s) noted in the attached inspection report. You must describe in detail the action which has been, or will be, taken with specific dates to correct the apparent violation(s) noted in the inspection report and prevent their recurrence. PLEASE REFERENCE THE IEPA DESIGNATED FACILITY NUMBER AND FACILITY NAME ASSIGNED ABOVE ON ANY CORRESPONDENCE CONCERNING THIS MATTER.

CORRECTIVE ACTION REQUIRED

IF YOU WISH TO AVOID FURTHER ENFORCEMENT ACTION,
YOU MUST INITIATE THE CORRECTIVE ACTIONS SET FORTH
IN ATTACHMENT A

A re-inspection by Agency personnel will be conducted to verify compliance.

POTENTIAL SANCTIONS

Be advised that if future inspections discover violations subject to the administrative citation process, pursuant to Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1031.1, this Agency may, WITHOUT FURTHER NOTICE, cause administrative citations to be filed with the Pollution Control Board until the violation is corrected. Please be advised that each and every finding of an administrative citation violation requires a mandatory fine of \$500.00 per violation.

You are further advised that you must maintain compliance with the requirements of the Illinois Environmental Protection Act and Pollution Control Board Rules and Regulations, including but not limited to the potential violations noted in Attachment A.

You are hereby further advised that any noncompliance with the requirements of the Illinois Environmental Protection Act and the Rules and Regulations adopted thereunder may result in the following:

1. The filing of an enforcement action with the Pollution Control Board pursuant to Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1031; or
2. The filing of a civil action in circuit court pursuant to Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1042; or

Potential sanctions for the enforcement actions described above include, but are not limited to: Assessment of civil penalties in accordance with Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1042, which provides for a maximum civil penalty not to exceed \$50,000.00 for each violation, and an additional civil penalty not to exceed \$10,000.00 for each day during which violation continues; an order to cease and desist from further violations; removal and cleanup actions; the posting of a security instrument to assure correction of an adjudicated violation; restraining and injunctive orders and costs and attorney fees.

GENERAL INFORMATION

Your written response and one copy of all documents submitted in response to this letter should be sent to:

Deanne Virgin
Compliance Unit
Planning and Reporting Section
Bureau of Land #24
Illinois Environmental Protection Agency
2200 Churchill Road, Post Office Box 19276
Springfield, Illinois 62794-9276

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Should you have any questions concerning this Enforcement Warning Notice, or need further assistance, contact Doug Hayward at 618/346-5120.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Glenn Savage
Glenn Savage, Manager
Field Operations Section
Bureau of Land

Date: May 7, 1993

CERTIFIED MAIL #P 373'319 555

GS:DEH:DV:bjh/901v/67,69

cc: Mary Kay Berhorst

bcc: Division File
Collinsville Region
Deanne Virgin
Paul Purseglove

Empire Industries
300 Plaza Drive
Vestal, NY 13850

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ATTACHMENT A

1. Pursuant to Section 55(d) of the Act, beginning January 1, 1991, no person shall cause or allow the operation of:
 1. a tire storage site which contains more than 50 used tires, unless the owner or operator, by January 1, 1992 (or the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, (i) registers the site with the Agency, (ii) certifies to the Agency that the site complies with any applicable standards adopted by the Board pursuant to Section 55.2, (iii) reports to the Agency the number of tires accumulated, the status of vector controls, and the actions taken to handle and process the tires, and (iv) pays the fee required under subsection (b) of Section 55.6; or
 2. a tire disposal site, unless the owner or operator (i) has received approval from the Agency after filing a tire removal agreement pursuant to Section 55.45, or (ii) has entered into a written agreement to participate in a consensual removal action under Section 55.3.

The Agency shall provide written forms for the annual registration and certification required under this subsection (d).

You are in apparent violation of Section 55(d) of the Act because item(s) 1 was not complied with.

- A. This sites does not currently comply with all applicable standards. You must bring the site into full compliance with all applicable standards adopted by the Board
2. Pursuant to 35 Ill. Adm. Code 848.202(c), in addition to the requirements set forth in subsection (b), the owner or operator shall comply with the following requirements at sites at which more than 500 used or waste tires are located.
 - 1) A contingency plan which meets the requirements of Section 848.203 shall be maintained.
 - 2) The recordkeeping and reporting requirements of Subpart C shall be met.
 - 3) Used or waste tires shall not be placed on or accumulated in any pile unless the pile is separated from grass, weeds, brush, over-hanging tree limbs and similar vegetative growth by no less than 50 feet.
 - 4) Used or waste tires shall not be placed on or accumulated in any tire storage unit unless the unit is no more than 20 feet high by 250 feet wide by 250 feet long. In determining the width or length of any tire storage unit the aisle space between any piles within the unit shall be included.

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- 5) Used or waste tires shall not be placed or accumulated in any tire storage unit unless one of the following requirements is met:
- A) The tire storage unit is separated from all buildings, whether located on or off the site, and all other tire storage units by an earthen berm that is no less than 1.5 times the maximum height of any tire pile within the storage unit; or
 - B) The tire storage unit is separated from all buildings, whether located on or off the site, and all other tire storage units by a separation distance that is not less than the distance identified by the following:

Required Separation Distances
From Tire Storage Units (in feet)

		Tire Storage Unit Height			
		8	12	16	20
Unit Face Dimensions	25	56	67	77	85
	50	75	93	107	118
	100	100	128	146	164
	150	117	149	178	198
	200	130	167	198	226
	250	140	181	216	245

You are in apparent violation of 35 Ill. Adm. Code 848.202(c) because item(s) 1 and 2 were not complied with. The following corrective action(s) must be completed:

- A. You must design and maintain a contingency plan which meets the requirements of 35 Ill. Adm. Code 848.203. Specifically 848.203 requires:
 - a) If an owner or operator of a tire storage site or tire disposal site is required by Section 848.202 to have a contingency plan under this Section, the owner or operator must meet the contingency plan requirements of this Section.
 - b) The contingency plan must be designed to minimize the hazards to human health and the environment from fires and run-off of contaminants resulting from fires and from disease-spreading mosquitoes and other nuisance organisms which may breed in water accumulations in used or waste tires.
 - c) The provisions of this plan must be carried out immediately whenever there is a fire or run-off resulting from tire fire, or evidence of mosquito production in used or waste tires.

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- d) The contingency plan must describe the actions site personnel must take in response to fires, run-off resulting from tire fires and mosquito breeding in used or waste tires.
- e) The contingency plan must include evacuation procedures for site personnel which describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by fire). The contingency plan must include provisions for pesticide application or other measures for control of mosquito breeding in used and waste tires.
- f) A copy of the contingency plan and all revisions to the plan must be maintained at the site, and submitted to the local fire departments, police departments, the Agency, and state and local emergency response teams that may be called upon to provide emergency service.
- g) The contingency plan must be reviewed and amended within 30 days, if the plan fails in an emergency or the list of emergency coordinators changes.
- h) At all times, there must be at least one employee, either on the site premises or on call, with responsibility for coordinating all emergency response measures. This emergency coordinator must be familiar with all aspects of the contingency plan, all operations and activities at the site, the location of all records within the site and the site layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

Your contingency plan must include, but not be limited to the following:

1. You must address and describe actions to be taken by personnel to minimize hazards to human health and the environment from fires; control run-off resulting from fires; and for the control of mosquitoes & other organisms.
2. You must address evacuation procedures for site personnel which describes signals to be used to begin evacuation, evacuation routes, alternative evacuation routes, and provisions for pesticide application or other measures for mosquito control.
3. You must maintain a current copy of your contingency plan on site and at the local fire departments, police departments, the Agency and state and local emergency response teams.
4. You must have an employee(s) either on site or on call at all times, with complete knowledge of all aspects of the contingency plan and the authority to implement & commit resources needed to carry out the plan.

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- B. You must develop & maintain recordkeeping and reporting requirements of 35 Ill. Adm. Code, Part 848, Subpart C. Specifically 848.302 requires:
- a) The owner and operator shall keep a record of used and waste tires at the site. The owner and operator shall keep the following records:
 - 1) Daily Tire Record
 - 2) Annual Tire Summary
 - b) Each Annual Tire Summary submitted to the Agency shall be in a form as prescribed by the Agency.
5. You must develop, maintain, and submit an Annual Tire Summary pursuant to 35 Ill. Adm. Code 848.304:
- a) The owner or operator shall maintain an Annual Tire Summary at the site; such record shall include the Agency designated site number, the site name and address and the calendar year for which the summary applies.
 - b) The following information relative to used and waste tires shall be recorded in the Annual Tire Summary:
 - 1) The weight or volume of used or waste tires received at the site during the calendar year.
 - 2) The weight or volume of used or waste tires transported from the site during the calendar year.
 - 3) The total number of used or waste tires determined in terms of passenger tire equivalent (PTE) remaining in storage at the conclusion of the calendar year.
 - 4) The weight or volume of used or waste tires combusted during the calendar year.
 - c) The Annual Tire Summary shall be received by the Agency on or before January 31 of each year and shall cover the preceding calendar year.
3. Pursuant to 35 Ill. Adm. Code 848.202(d), in addition to the requirements set forth in subsections (b) and (c), the owner or operator shall comply with the following requirements at sites at which more than 10,000 used or waste tires are located.
- 1) The area of the site where used or waste tires are stored shall be completely surrounded by fencing in good repair which is not less than 6 feet in height.

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- 2) Entrance to the area where used or waste tires are located shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.
- 3) The area of the site where used or waste tires are stored shall be completely surrounded by an earthen berm or other structure not less than 2 feet in height capable of containing runoff resulting from tire fires, and accessible by fire fighting equipment; except that the owner or operator shall provide a means for access through or over the berm or other structure.

You are in apparent violation of 35 Ill. Adm. Code 848.202(d) because item(s) 3 was not complied with. The following corrective action(s) must be completed:

- A. You must completely surround your used or waste tire storage area by an earthen berm or other structure no less than 2 feet in height capable of containing runoff resulting from tire fires and is accessible by fire fighting equipment.
4. Pursuant to 35 Ill. Adm. Code 848.400 sites where more than 5,000 used or waste tires are stored and more than 50 used or waste tires are disposed must have Financial Assurance that satisfies the requirements of Subpart D by January 1, 1992 or prior to storing or disposing any used or waste tires at sites where used or waste tires are first stored or disposed on or after January 1, 1992. You are in apparent violation of 35 Ill. Adm. Code 848.400 because Financial Assurance has not been obtained for your site. You must secure Financial Assurance for your site.

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